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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,212	01/13/2005	Max Segerljung	821-69	2742

7590 11/06/2006

Dilworth & Barrese  
333 Earle Ovington Boulevard  
Uniondale, NY 11553

EXAMINER

LOPEZ, FRANK D

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

11

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,212	<b>Applicant(s)</b> SEGERLJUNG, MAX	
	<b>Examiner</b> F. Daniel Lopez	<b>Art Unit</b> 3745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on August 23, 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Applicant's arguments filed August 23, 2006, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1-21 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection (112) are necessitated by the added limitations that there is a single valve in the circuit (claim 1 line 14-17).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

Claims 1-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 14-15 "there are no valves such as throttle or directional valves present in the circuit (11), except for a single valve (15) positioned between the pump (12) and the hydraulic drive means" is wrong. The circuit is disclosed as having 4 valves (15, 16, 17 and 18). Therefore, claiming a single valve is inconsistent with the disclosure.

Claims not specifically mentioned are indefinite, since they depend from one of the above claims.

***Claim Rejections - 35 USC § 102***

Claims 1-5, 12-18 and 20, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by Scanderbeg et al. Scanderbeg et al discloses a hydraulic system comprising a hydraulic drive means including a cylinder (19) having chambers (22, 24) on opposite sides of a piston (20), connected, by a conduit circuit (29, 31), to a pump (23), driven by an electric motor (25), which controls the pump; wherein the cylinder is controlled only by the pump; and having a tank (17) connected to the conduit by valves (71, 73, 68; see fig 1 and 5).

Claims 1-3, 5-12, and 18-21, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by Rosman. Rosman discloses a hydraulic system comprising a hydraulic drive means including a cylinder (17) having a chamber, connected, by a conduit circuit (38), to a pump (30), driven by an electric motor (31); wherein the cylinder is controlled only by the pump; and having a tank (17) connected to the conduit by valves (43, 44); wherein the pump drives the motor as a generator, to recharge a battery (32), regenerating mechanical energy (column 1 line 66- column 2 line 2).

Claims 1-3, 5, and 12-14, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by German 4,328,906. German 4,328,906 discloses a hydraulic system comprising a hydraulic drive means including a cylinder (11) having chambers (16, 17) on opposite sides of a piston, connected, by a conduit circuit (A, B), to a pump (12), driven by an electric motor; wherein the cylinder is controlled only by the pump; and having a tank (14) connected to the conduit by valves (15).

### ***Conclusion***

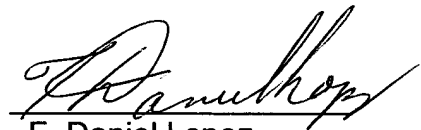
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

A handwritten signature in black ink, appearing to read "F. Daniel Lopez", is written over a horizontal line.

F. Daniel Lopez  
Primary Examiner

Art Unit 3745

November 1, 2006